



# California Regulatory Notice Register

REGISTER 2002, NO. 34-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 23, 2002

## PROPOSED ACTION ON REGULATIONS

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING <i>Participation in the POST Program—Notice File No. Z02-0813-02</i> .....	<i>Page</i> 1693
TITLE 14. DEPARTMENT OF CONSERVATION <i>2002 Labeling Proposed Regulations—Notice File No. Z02-0802-01</i> .....	1694
TITLE 14. FISH AND GAME COMMISSION <i>Nearshore Fishery Restricted Access Program—Notice File No. Z02-0813-03</i> .....	1696
TITLE 14. FISH AND GAME COMMISSION <i>North Coast Semaphore Grass—Notice File No. Z02-0813-04</i> .....	1699
TITLE 14. FISH AND GAME COMMISSION <i>Orcutt's Hazardia—Notice File No. Z02-0813-07</i> .....	1702
TITLE 16. STRUCTURAL PEST CONTROL BOARD <i>Report Requirements—Notice File No. Z02-0812-01</i> .....	1704

## GENERAL PUBLIC INTEREST

DEPARTMENT OF TOXIC SUBSTANCES CONTROL <i>Variance—City of Buena Park</i> .....	1705
DEPARTMENT OF TOXIC SUBSTANCES CONTROL <i>Variance—David H. Fell &amp; Co., Inc.</i> .....	1706
DEPARTMENT OF TOXIC SUBSTANCES CONTROL <i>Variance—Fresno County</i> .....	1706
DEPARTMENT OF TOXIC SUBSTANCES CONTROL <i>Variance—Madera County</i> .....	1706

(Continued on next page)

*Time-  
Dated  
Material*

DEPARTMENT OF TOXIC SUBSTANCES CONTROL	
<i>Variance—Siskiyou County</i> .....	1706
FISH AND GAME COMMISSION	
<i>North Coast Semaphore Grass</i> .....	1707
FISH AND GAME COMMISSION	
<i>Orcutt’s Hazardia</i> .....	1707

## DECISION NOT TO PROCEED

OFFICE OF SPILL PREVENTION AND RESPONSE	
<i>Regarding Notice File No. Z02-0808-01</i> .....	1707

## RULEMAKING PETITION DECISIONS

DEPARTMENT OF MANAGED HEALTH CARE	
<i>Regarding Petition for Adoption of Regulation</i> .....	1707

## SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State.....	1708
Sections Filed April 10, 2002 to August 14, 2002 .....	1712

---

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by the Office of State Publishing and is offered by subscription for \$302.00 (annual price). To order, call (916) 445-5391. Periodicals postage paid at Sacramento, CA and additional mailing offices. **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Customer Coordinator, Office of State Publishing, 344 N. 7th Street, Room 104, Sacramento, CA 95814-0212.

## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

#### AMEND COMMISSION REGULATION 1001, 1010, and DELETE 1009 PARTICIPATION IN THE POST PROGRAM

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to authority vested by sections 13503 of the Penal Code (powers of the Commission on POST) and section 13506 (authority for the Commission on POST to adopt regulations), and in order to interpret, implement and make specific sections 13510 (authority of the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers), proposes to amend and delete regulations in Chapter 2 of Title 11 of the California Code of Regulations.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Regulation 1010, Participation in the POST Program, currently does not provide clear information on procedures and requirements for participation in POST programs. Current section 1010(a) requires adherence to "standards for selection and training". The proposed amended version would add language requiring adherence to "all Commission Regulations".

Commission Regulation 1009 (Specialized Law Enforcement Certification Program) is proposed for deletion because the amended Regulation 1010 will cover requirements for both programs. Commission Regulation 1001, Definitions, would be amended to reflect the deletion of Regulation 1009 and amendments of Regulation 1010.

The POST Regulation Review Committee (RRC), formed to improve regulations has proposed these amendments to add clarity and consistency with current operations.

#### PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than October 7, 2002. Written comments should be directed to

Kenneth J. O'Brien, Executive Director Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at [kobrien@post.ca.gov](mailto:kobrien@post.ca.gov)

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8 any interested person, or his duty authorized representative, may request writing, no less than 15 days prior to the close of the public comment period, that a public hearing be held.

#### ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

#### TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commissions' normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

#### ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with business in other states, and has found that the proposed amendments of Regulations 1001, 1010, and deletion of 1009 will have no effect on California business, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California business, including small businesses.

Cost Impacts on Representative Private Persons or Business: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

#### CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

#### CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed to Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at [leah.cherry@post.ca.gov](mailto:leah.cherry@post.ca.gov). The back-up contact person as well as inquiries concerning the substance of the proposed action/text should be directed to Anna DelPorto, Associate Analyst, (916) 227-4854, fax number (916) 227-3895, or e-mail to [anna.delporto@post.ca.gov](mailto:anna.delporto@post.ca.gov).

#### INTERNET ACCESS

The Commission has posted on its Internet website ([www.post.ca.gov](http://www.post.ca.gov)) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

### TITLE 14. DEPARTMENT OF CONSERVATION

#### 2002 LABELING PROPOSED REGULATIONS

##### CHAPTER 5. DIVISION OF RECYCLING

NOTICE IS HEREBY GIVEN that the Department of Conservation (Department), Division of Recycling (Division) proposes to adopt amendments to the California Code of Regulations (CCR). Commencing with Subchapter 3, Chapter 5, Division 2, Title 14 of the CCR, the Division will propose permanent regulations, after the consideration of all comments, objections or recommendations. The proposed amendments are as follows:

##### Subchapter 3. Manufacturers

##### Article 1. Labeling

#### § 2200 LABELING REQUIRED

Section 2200(b) has been amended to allow permanent ink jetting as a type of labeling for beverage containers. This method of labeling will give the beverage manufacturers another option to use when labeling beverage containers. Paragraphs 3 and 4 have been added to this section because beverage containers shall be labeled in the specific manner indicated in paragraphs (1), (2), (3) or (4).

Section 2200(b)(1) has been amended to exclude metal bottles from the requirements in this section because the labeling requirements for labeling metal bottles are stated in new section 2200(b)(4).

New Section 2200(b)(4) has been added because metal bottles are a new type of container and the method of labeling them needs to be stated in the regulations.

##### Subchapter 4. Distributors

##### Article 1. Distributor Requirements

#### § 2320 PAYMENTS

Section 2320(b) has been amended to add the text "CA 2.5 ¢" if the container is less than 24 ounces, or "CA 5 ¢" if the container is 24 ounces or more. This text is being added to be consistent with statute and the rest of the regulations.

**Subchapter 6. Recycling Centers****Article 1. Requirements for Recycling Centers****§ 2500 Operation Standards**

Subsection 2500(e) Figure 9 has been amended to add “California Redemption Value”, “California Cash Refund” and “CA 2.5 ¢” if the container is less than 24 ounces, or “CA 5 ¢” if the container is 24 ounces or more. This text is being added to be consistent with statute and the rest of the regulations.

**INFORMATION IS AVAILABLE UPON REQUEST**

Copies of the express terms of the proposed action, the initial statement of reasons and all of the information upon which this proposal is based are available upon request. The rulemaking file is available to the public for review during normal business hours at the Division of Recycling, 801 “K” Street, 18th Floor, Sacramento, California. Please contact the agency contact person, Karen Denz, at (916) 322-1899. General or substance questions regarding this file may also be directed to Karen Denz. The backup agency contact person for this rulemaking file is Eloisa Hernandez, who may be contacted at (916) 327-2757.

**SUBMITTING WRITTEN COMMENTS**

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendment to the Department. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended section to which the comment or comments are directed. Written comments should be sent to the Department and received before the close of the public comment period, no later than 5:00 p.m. on October 7, 2002. Additionally, we request that written comments reference a subsection or section of the proposed action. Written comments received by the Department after the close of the public comment period will not be responded to in the rulemaking file. Submit your written comments to: Karen Denz, 2002 Labeling Proposed Permanent Regulations, Department of Conservation, Division of Recycling, 801 “K” St., MS 18-58, Sacramento, CA 95814. During the 45-day comment period, written comments may also be E-mailed to: [DORRegulations@consrv.ca.gov](mailto:DORRegulations@consrv.ca.gov), or faxed to (916) 327-2144.

**PUBLIC HEARING SCHEDULED**

The hearing will begin promptly at 10:00 a.m. and will adjourn immediately after hearing the last public comment by those individuals present. The conference room is wheelchair accessible. The public hearing to record public comments on the proposed amended regulations is scheduled for:

October 7, 2002 at 10:00 a.m.  
The Renaissance Tower  
22nd Floor Conference Room  
801 “K” Street  
Sacramento, CA 95814

**SUBSTANTIAL REVISIONS WILL REQUIRE  
A RENOTICE**

Following the public hearing, the Department will adopt the regulations without further notice. However, if the Department chooses to substantially alter or revise the proposed regulatory action, a revised notice, called a renote, and the amended version of the proposed text of the regulations will be made available to the public for another public comment period for fifteen (15) days. Those persons who testified at the public hearing, submitted written comments at the public hearing, whose comments were received by the Department during the public comment period, or who requested notification from the Department of the availability of changes to the text of the proposed regulations, will be sent any renotes.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Under the existing law, the California Beverage Container Recycling and Litter Reduction Act (Act) encourages recycling of specific beverage containers and reduces litter of these beverage containers along the State’s highways. Under this Act, the Department, through the Division of Recycling (Division), is responsible for administering the Act and protecting the integrity of the California Beverage Container Recycling Fund (Fund).

The passage of SB 1906, Chapter 731, Statutes of 2000, expanded the California Redemption Value (CRV) labeling message that may be affixed on beverage containers. A beverage manufacturer is required to label each beverage container offered for sale in California with one of the CRV labeling messages set forth in Public Resources Code (PRC) Section 14561. This amendment provided the labeling option of “CA 2.5 ¢”, if the container is less than 24 ounces, or “CA 5 ¢” if the container is 24 ounces or more. The regulations were amended on April 16, 2001 by regulation file # 01-0305-01 N as a Section 100. However, several regulation sections that need to be amended were omitted and are being revised in this regulation package.

On April 23, 2002, the Department received a petition from Kraft Foods, Incorporated pursuant to Government Code § 11340.6, requesting that the Department undertake a rulemaking proceeding to amend the current beverage container recycling labeling regulations. Kraft Foods, Incorporated will be



bottling beverages in metal bottles and requested the Department change the labeling regulations to adopt different requirements for these new metal bottles. The Director granted the petition for this rulemaking.

#### AUTHORITY

These regulations are submitted pursuant to the Department's authority under Public Resources Code Sections, 14530.5(b) and 14536.

#### REFERENCE

Public Resources Code Sections, 14501(i), 14504, 14515.6, 14530.5, 14536, 14538, 14561, 14571, 14571.3, 14572(a), (b) and (c), 14572.5 and 14574.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: The Department has determined that adoption of these proposed regulations do not impose any new mandates on local agencies or local school districts.

Cost or savings to any state agency: No savings or additional expenses to state agencies are identified because the implementation of statute is financed by the beverage container recycling program itself.

Costs to any local agency or school district which must be reimbursed in accordance with Government Code §§ 17500 through 17630: The Department has determined that the adoption of these proposed regulations do not impose any additional cost obligations on local agencies or on local school districts.

Other non-discretionary cost or savings imposed upon local agencies: No other non-discretionary costs or savings to local agencies have been identified.

Cost or savings in federal funding to the State: No costs or savings in federal funding to the state have been identified.

Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: The Department has determined that no significant impact to California businesses will result from the adoption of this proposed regulatory language. These proposed regulations serve to clarify and make specific existing statutory requirements.

Potential cost impact on private persons or directly affected businesses: The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposed regulation does not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

Creation or elimination of jobs in California: The Department has determined that the adoption of these regulations will not:

Create or eliminate jobs within California;

Create new nor eliminate existing businesses within California;

Expand businesses currently doing business in California.

Significant effect on housing costs: The Department has determined that the adoption of these regulations will have no significant effect on housing costs.

Effects on small businesses: The Department has determined that the adoption of these proposed regulations will not affect small businesses. These proposed regulations serve to clarify and make specific existing requirements contained in statute. These proposed regulations do not mandate actions upon private persons or businesses, but rather clarifies existing statutory mandates.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative that it considers or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The Department has not identified any adverse impacts resulting from these proposed regulations.

#### FINAL STATEMENT OF REASONS

A copy of the final statement of reasons may be obtained, when it becomes available, from the agency contact person or backup contact person identified in this notice.

#### ACCESSING INFORMATION REGARDING THIS FILE ON THE DEPARTMENT OF CONSERVATION WEBSITE

The text of the proposed regulations, the Notice of Proposed Action, the Initial Statement of Reasons and the Final Statement of Reasons, when available for review, will be on the Department of Conservation website at: [www.consrv.ca.gov](http://www.consrv.ca.gov).

### TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Section 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 7850, 8043, 8046, 8102, 8496, 8587, 8587.1, 8588, 8589.5, 8589.7 and 9025-9029.5 of said Code, proposes to amend sections 150, 150.01 and 150.03, and add Section 150.05, Title 14, California Code of Regulations, relating to the nearshore fishery restricted access program.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Current regulations establish a Nearshore Fishery Permit for the take of the following nearshore fish species: cabezon, California scorpionfish, California sheephead, kelp and rock greenling, black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish; and a moratorium on the issuance of new permits. For the purpose of developing a restricted access program for this fishery control dates of December 31, 1999 for participation and October 20, 2000 for gear endorsements are also established.

The proposed regulatory changes would establish a restricted access program for the nearshore species listed above. The proposed restricted access program would be individual-based, with transferable and non-transferable permits. The allowable gears would be restricted to line gears unless the permittee qualifies for an endorsement of another gear type. Other proposed regulations would establish methods of transferability, initial application and renewal deadlines, an appeal process for the denial of a permit application, renewal or transfer, and fees for a permit and permit transfers. A permit for incidental take in other fisheries, as well as day or trip limits are also proposed.

The Department has developed options for three or four regional management areas. In the three region option the North Coast Region would extend from the California/Oregon border to Cape Mendocino; the Central Coast Region from Cape Mendocino to [Point Arguello or Point Conception]; and the South Coast Region from [Point Arguello or Point Conception] to the California/Mexico border. The four region option splits the Central Coast Region at Point Año Nuevo into a North-Central Coast Region and a South-Central Coast Region.

The options for a transferable permit in a regional management area require the possession of a 2002–2003 Nearshore Fishery Permit and qualifying landings in that specific regional management area. The proposed qualifying landing period is January 1, 1994 through December 31, 1999. Options for additional qualifying criteria include number of years with a minimum level of landings (ranging from 100 to 1,000 pounds of nearshore landings in each of 1 to 3 years), the value of qualifying landings calculated as a minimum average price per pound (ranging from \$0.01 to \$3.50 per pound), recent participation in the fishery (at least one landing in either 2000 or 2001), and years of participation (ranging from 1 to 6 years with at least one nearshore landing).

The proposed non-transferable permit in a management area requires that the fisherman have been a licensed commercial fisherman in California for 20

years and have qualifying landings in that specific management area in either any one of those license years or one of the years between 1994 and 1999.

A range of capacity goals (the desired number of permits) is proposed for each management area for transferable permits. The non-transferable permits satisfy the provisions of Fish and Game Code Section 8101 (grandfather clause) and contribute to attrition.

- North Coast Region: 4–14 transferable permits
- Central Coast Region: 9–40 transferable permits
- South Coast Region: 5–45 transferable permits

Under the four region option the proposed capacity goals are:

- North Coast Region: 4–14 transferable permits
- North-Central Coast Region: 3–15 transferable permits
- South-Central Coast Region: 6–25 transferable permits
- South Coast Region: 5–45 transferable permits

There are two proposed options for transferability. Under the moratorium option no permits could be transferred for the first two years of the program. If, after two years, the number of permits in any regional management area still exceeds the capacity goal, a permit transfer system would be utilized. A permit transfer system requires a person to purchase two or three permits, retiring all but one which the person receives. If the person wants to fish with trap or trawl gear, at least one of the permits purchased has to have the appropriate gear endorsement. When the number of permits drops below the capacity goal in any region, the individual with an active, non-transferable Nearshore Fishery Permit and the greatest number of landings in the 6 year qualifying period would receive a permit and his non-transferable permit would be retired. When all non-transferable permits in a region are retired, permit transfers would be allowed to any qualified fisherman.

The proposed regulations would permit the estate of a deceased permittee to apply, via notarized letter within one year of the permittee's death, to keep the Nearshore Fishery Permit only for the purpose of transferring the permit. The provisions of transferability as described above would apply to these transfers also. It is proposed that transfer of the permit to a partner or immediate family member would not require the purchase of multiple permits.

This program proposes limiting the allowable gear to hook-and-line gear. The use of traps or trawl gear would require a gear endorsement attached to the permit. Qualifying criteria for a trap endorsement includes possession of a general trap permit or finfish trap permit and may include other criteria such as the majority of landings were made with trap gear or years with a minimum level of landings, the value of

landings, recent participation in the fishery, and years of participation. Qualifying criteria for a trawl endorsement include that the majority of landings were made with trawl gear.

Regional Nearshore Fishery Permits are proposed to be renewed annually. For transferable Nearshore Fishery Permits the proposed range of fees is from \$125 to \$1200. The proposed fee for non-transferable Nearshore Fishery Permits is from \$125 to \$1200. Proposed transfer fees range from \$250 to \$1000. The proposed fee for a gear endorsement or transfer of a gear endorsement ranges from \$30 to \$75. The proposed fee for a Nearshore Fishery Bycatch Permit ranges from \$50 to \$250.

Under the proposed regulations, applications for initial issuance of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before June 30, 2003. Applications for initial issuance of a Nearshore Fishery Permit received July 1 through July 31, 2003 shall be considered late and will be assessed a \$50 late fee. Applications received after July 31, 2003 will not be considered.

Under the proposed regulations, applications for renewal of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before April 30 of each year. Applications for permit renewal of a Nearshore Fishery Permit received May 1 through May 31 shall be considered late and will be assessed a \$50 late fee. Applications received after May 31 not be considered, and the permit shall be cancelled and shall no longer be eligible for renewal in subsequent years.

The proposed nearshore fishery permit shall be revoked: a) if the person fails to renew the permit annually or renew his or her commercial fishing license issued pursuant to Fish and Game Code Section 7852; or b) for violation of any fish and game regulation pertaining to the take of nearshore species or violation of the terms or conditions of the permit.

The proposed regulations would provide that any applicant who is denied initial issuance, renewal, or transfer of a nearshore fishery permit or gear endorsement may appeal that denial to the Department in writing describing the basis for the appeal. If the Department denies the appeal, an appeal may be made to the Commission.

The regulations propose that at least one Nearshore Fishery Permit holder shall be on board the vessel when taking, possessing or landing nearshore fish stocks. If a support vessel is used, one permit holder shall be on each vessel.

The proposed regulations would provide that no person may take or land nearshore fish stocks on board a boat without either a Nearshore Fishery Permit or Nearshore Fishery Bycatch Permit. Eligibility for a Nearshore Fishery Bycatch Permit would require

possession of a 2002–2003 Nearshore Fishery Permit, and that the person is not eligible, based on the qualifying criteria, for a 2003–2004 Nearshore Fishery Permit or is eligible but unwilling to convert to the allowable gear. It is proposed that only gear allowed under the Nearshore Fishery Bycatch Permit would be trawl or gill nets. Additionally, day or trip limits ranging from 1 to 100 pounds have been proposed.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Elihu Harris State Building, First Floor Auditorium, 1515 Clay Street, Oakland, California, on Thursday, August 29, 2002 at 9:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 “H” Street, Suite 100, Crescent City, California, on Friday, October 25, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS FURTHER GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Monterey Beach Resort Hotel, 2600 Sand Dunes Drive and Highway 1, Monterey, California, on Friday, December 6, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 29, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than December 6, 2002, at the hearing in Monterey, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Traci Bishop, Department of Fish and Game, phone (562) 342-7111, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>.



#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action may have a significant statewide adverse economic impact on businesses, including the ability of California business to compete with businesses in other states. Each permittee, buyer and processor is considered a small business. The proposed nearshore restricted access program would cause some fishermen who have participated in the past on a limited or sporadic level to lose some potential income. Based on year 2000 commercial fish landings, the proposed regulations could have a negative economic impact of \$562,963 to \$3,536,961 (expressed in year 2001 dollars) depending on the options chosen. These projections take into account the effect of the commercial landings as they move through the local economies, causing a ripple effect in output demand.

The Commission has made an initial determination that the adoption and amendment of these regulations may have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit alternative proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;

- (ii) consolidation or simplification of compliance and reporting requirements for businesses;
  - (iii) the use of performance standards rather than prescriptive standards; or
  - (iv) exemption or partial exemption from the regulatory requirements for business.
- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:  
The proposed action is expected to eliminate some jobs in commercial fishing.
  - (c) Cost Impacts on a Representative Private Person or Business:  
The proposed nearshore restricted access program would cause some fishermen who have participated in the past on a limited or sporadic level to lose some potential income.
  - (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
  - (e) Nondiscretionary Costs/Savings to Local Agencies: None.
  - (f) Programs Mandated on Local Agencies or School Districts: None.
  - (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
  - (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 1904, 2062, 2067, 2070, 2072.7, and 2075.5 of said Code, proposes to amend Section 670.2, Title 14, California Code of Regula-

tions, to add North Coast semaphore grass to the list of threatened species and remove it from the list of rare species.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its August 1, 2002, meeting in San Luis Obispo, California, the Commission made a finding that North Coast semaphore grass warrants listing as threatened. The Department of Fish and Game therefore proposes to amend Section 670.2 of Title 14, CCR, to add *Pleuropogon hooverianus* (North Coast semaphore grass) to the list of threatened plants (Subsection (b)). Concurrently, the Department proposes to delete North Coast semaphore grass from the list of rare plants (Subsection (c)). This proposal is based upon the documentation of population declines and threats to the habitat of this species to the point that it meets the criteria for listing as threatened by the Fish and Game Commission as set forth in the California Endangered Species Act (CESA). The Department is fulfilling its statutory obligation in making this proposal which, if adopted, would afford this species the recognition and protection available to it under CESA. North Coast semaphore grass is very rare in California and restricted to northern coastal California. All nine populations are on private property. Total occupied habitat is 14 to 18 acres.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, California on Friday, October 25, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 18, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 25, 2002, at the hearing in Crescent City, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Sandra Morey, Chief, Habitat Conservation Planning Branch, Department of Fish and Game, phone (916) 653-4875, 1416 Ninth Street, Sacramento, CA 95814, has been

designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because North Coast semaphore grass is restricted to nine populations on a total of 14 to 18 acres in northern coastal California.

Although the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To

accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. Although Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA. Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. Although the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of North Coast semaphore grass as threatened will subject it to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department, the Native Plant Protection Act, or in the California Desert Native Plants Act.

Threatened status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to CEQA. CEQA requires local governments and private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) species to be subject to the same requirements under CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). Based on its rarity, the North Coast semaphore grass would qualify for this protection under CEQA.

Required mitigation as a result of lead agency actions under CEQA, whether or not a taxon is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchase of off-site habitat, development and implementation of management plans,

establishment of new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. If the mitigation measures required by CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

(b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or businesses undertaking activities subject to CEQA. CEQA presently requires applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380). Based on its rarity, North Coast semaphore grass would qualify for this protection under CEQA.

Although all populations of North Coast semaphore grass occur on private property, several landowners are working with the Department to conserve this species. Populations on private forest lands are being avoided during timber harvest activities. It is unlikely that listing North Coast semaphore grass as a threatened species will result in a major change in land management activities and have an adverse economic impact.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.



#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### TITLE 14. FISH AND GAME COMMISSION

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1904 and 2070 of the Fish and Game Code and to implement, interpret or make specific sections 1755, 1904, 2062, 2067, 2070, 2072.7, and 2075.5 of said Code, proposes to amend Section 670.2, Title 14, California Code of Regulations, to add Orcutt's hazardia to the list of threatened species.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its August 1, 2002, meeting in San Luis Obispo, California, the Commission made a finding that Orcutt's hazardia warrants listing as threatened. The Department of Fish and Game therefore proposes to amend Section 670.2 of Title 14, CCR, to add Orcutt's hazardia to the list of endangered, threatened or rare plants. This proposal is based upon the documentation of population declines and threats to the habitat of this species to the point that it meets the criteria for listing as threatened by the Fish and Game Commission as set forth in the California Endangered Species Act (CESA). The Department is fulfilling its statutory obligation in making this proposal which, if adopted, would afford this species the recognition and protection available to it under CESA. Orcutt's hazardia is extremely rare in California, and is limited to one population occupying an area of less than 4 acres.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, California on Friday, October 25, 2002 at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before October 18, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@dfg.ca.gov](mailto:FGC@dfg.ca.gov), but must be received no later than October 25, 2002, at the hearing in Crescent City, CA. E-mail comments must include the true name and mailing address of the commentor.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Sherrie Koell at the preceding address or phone number. Sandra Morey, Chief, Habitat Conservation Planning Branch, Department of Fish and Game, phone (916) 653-4875, 1416 Ninth Street, Sacramento, CA 95814, has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at [http://www.dfg.ca.gov/fg\\_comm/](http://www.dfg.ca.gov/fg_comm/).

#### AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

#### IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the species is restricted to an area of less than four acres in southern coastal California. While the statutes of the California Endangered Species Act (CESA) do not specifically prohibit the consideration of economic impact in determining if listing is warranted, the Attorney General's Office has consistently advised the Commission that it should not consider economic impact in



making a finding on listing. This is founded in the concept that CESA was drafted in the image of the federal Endangered Species Act. The federal act specifically prohibits consideration of economic impact during the listing process.

CESA is basically a two-stage process. During the first stage, the Commission must make a finding on whether or not the petitioned action is warranted. By statute, once the Commission has made a finding that the petitioned action is warranted, it must initiate a rulemaking process to make a corresponding regulatory change. To accomplish this second stage, the Commission follows the statutes of the Administrative Procedure Act (APA).

The provisions of the APA, specifically sections 11346.3 and 11346.5 of the Government Code, require an analysis of the economic impact of the proposed regulatory action. While Section 11346.3 requires an analysis of economic impact on businesses and private persons, it also contains a subdivision (a) which provides that agencies shall satisfy economic assessment requirements only to the extent that the requirements do not conflict with other state laws. In this regard, the provisions of CESA leading to a finding are in apparent conflict with Section 11346.3, which is activated by the rulemaking component of CESA.

Since the finding portion of CESA is silent to consideration of economic impact, it is possible that subdivision (a) of Section 11346.3 does not exclude the requirement for economic impact analysis. While the Commission does not believe this is the case, an abbreviated analysis of the likely economic impact of the proposed regulation change on businesses and private individuals is provided. The intent of this analysis is to provide disclosure, the basic premise of the APA process. The Commission believes that this analysis fully meets the intent and language of both statutory programs.

Designation of Orcutt's hazardia as threatened will subject it to the provisions of CESA. This act prohibits take and possession except as may be permitted by the Department, the Native Plant Protection Act, or in the California Desert Native Plants Act.

Threatened status is not expected to result in any significant adverse economic effect on small business or significant cost to private persons or entities undertaking activities subject to CEQA. CEQA requires local governments and private applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) species to be subject to the same requirements

under CEQA as though they were already listed by the Commission in Section 670.2 (CEQA Guidelines, Section 15380). Based on its rarity, the Orcutt's hazardia would qualify for this protection under CEQA.

Required mitigation as a result of lead agency actions under CEQA, whether or not a taxon is listed by the Commission, may increase the cost of a project. Such costs may include, but are not limited to, purchase of off-site habitat, development and implementation of management plans, establishment of new populations, installation of protective devices such as fencing, protection of additional habitat, and long-term monitoring of mitigation sites. If the mitigation measures required by CEQA lead agency do not minimize and fully mitigate to the standards of CESA, listing could increase business costs by requiring measures beyond those required by CEQA.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

- (c) Cost Impacts on a Representative Private Person or Business:

Designation of threatened or endangered status, per se, would not necessarily result in any significant cost to private persons or businesses undertaking activities subject to CEQA. CEQA presently requires applicants undertaking projects subject to CEQA to consider *de facto* endangered (or threatened) and rare species to be subject to the same protections under CEQA as though they are already listed by the Commission in Section 670.2 or 670.5 of Title 14, CCR (CEQA Guidelines Section 15380). Based on its rarity, Orcutt's hazardia would qualify for this protection under CEQA.

Because the only known population of Orcutt's hazardia occurs on land protected by a conservation easement, and is therefore not subject to development, it is unlikely that the listing of this species will have an adverse economic impact.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.
- (h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

#### CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### TITLE 16. STRUCTURAL PEST CONTROL BOARD

NOTICE IS HEREBY GIVEN that the Structural Pest Control Board is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at The Queen Mary, 1126 Queens Highway Long Beach, California, at 9 a.m., on October 11, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under contact person in this Notice, must be received by the Structural Pest Control Board at its office not later than 5:00 p.m. on October 10th or must be received by the Structural Pest Control Board at the hearing. The Structural Pest Control Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 8525 of the Business and Professions Code, and to implement, interpret or make specific Sections 8514 and 8516 (b)(10) of said Code, the Structural Pest Control Board is considering changes to Division 19 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### 1. Amend 1991(a)(8)(C)

Existing law states that recommendations for corrective measures shall be made to exterminate all wood-destroying pests, and if evidence indicates that

wood destroying pests extend into inaccessible areas, then recommendations must include either enclosing the structure for an all encompassing treatment, by use of another all encompassing method of treatment which exterminates the infestation of the structure, or by locally treating by exposing the infested area(s) for local treatment, removing the infested wood, or using another method of treatment which exterminates the infestation.

The regulatory proposal would require that if any recommendation is made for local treatment, the report must contain language informing consumers that local treatment is not an all encompassing treatment method, and infestations of wood-destroying pest extending or existing beyond the area(s) of local treatment will not be exterminated.

##### 2. Adopt 1993.2

Existing regulation requires that an inspection of a structure be made prior to commencement of work on a contract, or the signing, issuing, or delivering of any document expressing an opinion or statement relating to the control of wood destroying pests.

The Board proposes to adopt regulation clarifying that installation of any termite bait station requires a prior inspection of the structure. The proposal also defines the terms above ground bait station and in-ground bait station.

##### 3. Adopt 1993.3

Existing regulation requires that a control service agreement specify the terms and conditions of the contractual agreement for the purpose of informing the consumer what preventive services the consumer can expect to receive and what items are not covered in the service.

The Board proposes to adopt regulation to specify that the use of in-ground termite bait station systems would be considered a control service agreement in order to ensure that the consumer will be informed as to what services will be rendered as well as what items will not be covered with this system.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Structural Pest Control Board has made an initial determination that the proposed regulatory action would have no significant statewide

adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Structural Pest Control Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Structural Pest Control Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Cost: None

#### EFFECT ON SMALL BUSINESS

The Structural Pest Control Board has determined that the proposed regulations would not affect small business. The proposed changes are word verbiage changes and will not affect the cost to small business.

#### CONSIDERATION OF ALTERNATIVES

The Structural Pest Control Board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Structural Pest Control Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Structural Pest Control Board at 1418 Howe Ave. Suite 18, Sacramento, California 95825-3280.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or by accessing the website listed below.**

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Delores Coleman  
Address: 1418 Howe Ave. Suite 18  
Sacramento, CA 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Delores\_Coleman@dca.ca.gov

The backup contact person is:

Name: Susan Saylor  
Address: 1418 Howe Ave. Suite 18  
Sacramento, CA 95825  
Telephone No.: (916) 561-8700  
Fax No.: (916) 263-2469  
E-Mail Address: Susan\_Saylor@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Dennis Patzer (916) 561-8700.

Website Access: Materials regarding this proposal can be found at [www.pestboard.dca.ca.gov](http://www.pestboard.dca.ca.gov)

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

#### HOUSEHOLD HAZARDOUS WASTE UNIT STATE REGULATORY PROGRAMS DIVISION PUBLIC NOTICE FOR VARIANCE ISSUANCE

On July 10, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a three-year variance renewal to the City of Buena Park. Authority for this action is contained in Health and Safety Code, section 25143. The variance was issued to conduct residential household waste collections. This variance authorizes the City of Buena Park through their contractor to collect household hazardous wastes (HHW) from the elderly, handicapped residents, and others unable to participate in the regular HHW collection program. Wastes are delivered to an authorized HHW collection facility authorized under permit-by-rule (PBR). No business or agricultural wastes are collected under this variance. Specific standards exempted are contained in the Health and Safety Code, section 25201 and



California Code of Regulations, title 22, division 4.5, chapter 20. The collections are subject to strict operating standards specified in the variance. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**CALIFORNIA REGULATORY REGISTER  
NOTICE ACTION DESCRIPTION FOR A  
SMALL LOAD TRANSPORTATION  
VARIANCE ISSUED BY THE STATEWIDE  
COMPLIANCE DIVISION,  
TRANSPORTATION SECTION, FOR  
DAVID H. FELL & CO., INC.**

On August 5, 2002, the Department of Toxic Substances Control (DTSC), granted a Regulatory Exemption Variance to David H. Fell & Co., Inc., a registered transporter of hazardous waste, to conduct Small Load Transporter Operations authorized under Section 66263.46, California Code of Regulations, Title 22 (22 CCR). The variance permits the grantee to transport sweeps, polishings, grinds and dust waste in amounts no greater than 100 kilograms per load and no greater than 1,000 kilograms per calendar month. In lieu of a manifest, the transporter shall use a shipping paper which contains all the information required pursuant to Title 49, Code of Federal Regulations, Part 172, Subpart C, and Section 66263.46(f), 22 CCR. The hazardous waste shall only be transported to an authorized facility.

**CEQA Exemption.** The project qualifies for a CEQA exemption under Public Resources Code Section 21080(b)(1), Ministerial Projects. This variance is issued pursuant to Chapter 13, Article 4, Section 66263.40 et seq. (Regulatory Exemptions for Certain Transportation Operations), that allows for five specific types of transportation requirement exemptions. Applicants must meet preset regulatory standards. In applying these standards, DTSC only verifies specific facts regarding eligibility and may not add case-specific conditions.

The variance expires on September 30, 2003. For more information please call Maria Salomon of DTSC's Transportation Section at (916) 255-3624.

**HOUSEHOLD HAZARDOUS WASTE UNIT  
STATE REGULATORY PROGRAMS DIVISION  
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On July 30, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued an agricultural oil collection variance to Fresno County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the authorized sites to accept up to 55 gallons of used oil from local growers and to

alternatively collect the 55 gallon limit of used oil from growers using a registered DOT vehicle and bill-of-lading.

Silvas Oil Co., Inc located at 3217 East Lorena, Fresno

Davis Road Oil located at 507 East Dinuba Avenue, Reedley

Standards exempted are contained in HSC, section 25201. Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT  
STATE REGULATORY PROGRAMS DIVISION  
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On July 10, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued an agricultural oil collection variance to Madera County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the sites listed below to accept agriculture waste oil from qualified generators.

J.W. Myers, Inc., 27348 Ave 14, Madera

Fairmead Landfill, 21739 Road 19, Chowchilla

Standards exempted are contained in Health and Safety Code, sections 25201 and 25218.3, subsection (b). Transported waste is shipped in accordance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

**HOUSEHOLD HAZARDOUS WASTE UNIT  
STATE REGULATORY PROGRAMS DIVISION  
PUBLIC NOTICE FOR VARIANCE ISSUANCE**

On July 30, 2002, the State Regulatory Programs Division of the Department of Toxic Substances Control (DTSC) issued a revision and three-year renewal of an agricultural used oil collection variance to Siskiyou County. Authority for this action is contained in Health and Safety Code, section 25143. The variance authorizes the authorized sites to accept up to 55 gallons of used oil from local growers and to alternatively collect the 55 gallon limit of used oil from growers using a registered DOT vehicle and bill-of-lading.

Mean Gene's Market located at 6737 North Highway 3, Fort Jones

Cross Petroleum located at 401 N Foothill Drive, Yreka

Standards exempted are contained in Health and Safety Code, sections 25160, 25163, and 25201 respectively. Transported waste is shipped in accor-



dance with federal Department of Transportation, California Highway Patrol, and California Vehicle Code requirements. For additional information contact Lee Halverson at the Department of Toxic Substances Control, Household Hazardous Waste Unit at (510) 540-3894.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS North Coast Semaphore Grass (*Pleuropogon hooverianus*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its August 1, 2002, meeting in San Luis Obispo, made a finding that the petitioned action to uplist north coast semaphore grass (*Pleuropogon hooverianus*) is warranted as threatened.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.2, Title 14, CCR, California Code of Regulations, to remove north coast semaphore grass from the list of rare plants and add north coast semaphore grass to the list of threatened plants.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, CA, on October 25, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments should be received in the Fish and Game Commission office, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, (phone (916) 653-4899), by 5:00 p.m. on October 18, 2002, to allow adequate time for transmission to the Commission before the meeting.

## FISH AND GAME COMMISSION

### NOTICE OF FINDINGS Orcutt's hazardia (*Hazardia orcuttii*)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2075.5 of the Fish and Game Code, the California Fish and Game Commission, at its August 1, 2002, meeting in San Luis Obispo, made a finding that the petitioned action to list Orcutt's hazardia (*Hazardia orcuttii*) is warranted as threatened.

NOTICE IS ALSO GIVEN that the Commission proposes to amend Section 670.2, Title 14, CCR, California Code of Regulations, to add Orcutt's hazardia to the list of threatened plants.

NOTICE IS FURTHER GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Board of Supervisors Chambers, 981 "H" Street, Suite 100, Crescent City, CA, on October 25, 2002, at 8:30 a.m., or as soon thereafter as the matter may be heard. Written comments should be received in the Fish and Game Commission office, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, (phone (916) 653-4899), by 5:00 p.m. on October 18, 2002, to allow adequate time for transmission to the Commission before the meeting.

## DECISION NOT TO PROCEED

### OFFICE OF SPILL PREVENTION AND RESPONSE

#### REQUEST TO WITHDRAW NOTICE REGARDING AMENDMENTS TO THE ADMINISTRATIVE COMPLIANCE ACTIONS REGULATIONS (OAL Notice File Number Z-02-0528-11)

The Office of Spill Prevention and Response has made a Decision not to Proceed with the above referenced Notice package. Please withdraw the package and make the appropriate notifications. Please let me know if you have any questions about this request.

## RULEMAKING PETITION DECISIONS

### DEPARTMENT OF MANAGED HEALTH CARE

August 9, 2002

John Metz, Chairman  
California Consumer Health Care Council  
P.O. Box 590307  
San Francisco, CA 94159-0307

Re: Petition for Adoption of Regulation

Dear Mr. Metz:

The Department of Managed Health Care (Department) is in receipt of your e-mail message, dated July 23, 2002, requesting that the Department adopt regulations under Government Code section 11340.6. The proposed regulations would require that (1) health plans provide verification from an original source of

any alleged material fact upon which the plan wishes the Department to rely in making a determination related to a grievance filed by an enrollee against the plan; and (2) upon the enrollee's request, all records considered in a Department grievance procedure, including independent medical review records, be disclosed unless it is unequivocally contrary to law.

With respect to the first proposed regulation, as you may be aware, the Department is in the process of implementing regulations regarding grievance procedures, including the Independent Medical Review process. These regulations will protect the rights of patients and ensure that health care service plans have a user-friendly, well-documented grievance process. They also detail what is required from a plan involved in a grievance that reaches the Department's level of review, including submission of medical records and "any other relevant information." Because the regulation you propose duplicates existing statutes<sup>1</sup> and regulations the Department has already proposed, the Department declines to adopt it.

With respect to the second proposed regulation, the Department's declines to adopt it as well, because enrollees already have an avenue to present facts to the Department, and because the proposed regulation is overly broad.

First, the Department already considers all written documentation submitted by the enrollee as part of the request for review.<sup>2</sup> The enrollee has an opportunity to supply all documentation of their grievance to the Department when the grievance is filed.

In addition, the term "all documents considered in a grievance procedure" covers a wide variety of documents. While it is conceivable that an enrollee might wish to review documents submitted by the plan to correct errors, "all records considered" could reach well beyond documents submitted by the plan.

Also, the proposed regulation is not clear as to whose review would qualify a document for disclosure. Documents may or may not be considered at varying levels of review. A grievance resolution may involve many people, who may or may not access certain documents. This proposed regulation does not identify with enough specificity what documents qualify as "considered" during the grievance process.

Finally, some documents reviewed by the Department during the grievance process may be protected by privilege. The language "unless unequivocally contrary to law" could be interpreted to eliminate the

Department's discretion whether it is in the best interests of all parties to disclose information protected by privilege.<sup>3</sup>

As noted above, the Department has proposed several new regulations that will make the grievance process more effective and efficient. We welcome any further suggestions you may have to improve the quality of service for health care plan enrollees in California.

Sincerely,  
G. LEWIS CHARTRAND, JR.  
Assistant Deputy Director  
Office of Legal Services  
cc: Office of Administrative Law

Interested persons may obtain a copy of the petition by contacting:

Linda MacRae, Office of Legal Services  
Department of Managed Health Care  
980 Ninth Street, 5th Floor  
Sacramento, CA 95814  
(916) 322-7550

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### BALDWIN HILLS CONSERVANCY

##### Conflict of Interest

This is a Conflict of Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing in the California Code of Regulations only.

Title 2  
California Code of Regulations  
ADOPT: 59000  
Filed 08/07/02  
Effective 09/06/02  
Agency Contact:

John A. Saurenman (213) 897-2702

<sup>1</sup> See California Health and Safety Code sections 1381 (that requires all records, books, and papers of a plan to be accessible to the Director) and 1396 (that declares any willful false statement in any submission to the Department to be unlawful.)

<sup>2</sup> See California Health and Safety Code Section 1368(b)(3)

<sup>3</sup> See California Health and Safety Code Section 1368(b)(7)

**BOARD OF EDUCATION**

**Facilities for Charter Schools—Dispute Resolution**

This regulatory action adopts the procedures for resolving disputes between charter schools and school districts.

Title 5  
California Code of Regulations  
ADOPT: 11969.10 REPEAL: 11969.9  
Filed 08/13/02  
Effective 09/12/02  
Agency Contact: Pat McGinnis (916) 657-4669

**BOARD OF OCCUPATIONAL THERAPY**

**Citations: Issue, Assess, Appeal & Compliance**

This rulemaking action implements the Business and Professions Code provisions allowing professional boards to issue citations with fines or orders of abatement.

Title 16  
California Code of Regulations  
ADOPT: 4140, 4141, 4142, 4143  
Filed 08/07/02  
Effective 09/06/02  
Agency Contact: Jeff Hanson (916) 322-3394

**BOARD OF PHARMACY**

**Notice to Consumers**

In this rulemaking the Board is adopting a Notice to Consumers which will be posted by pharmacies concerning the availability of prescription price information, the possibility of generic drug product selection and a description of the type of services provided by pharmacies.

Title 16  
California Code of Regulations  
AMEND: 1707.2  
Filed 08/08/02  
Effective 09/07/02  
Agency Contact:  
Virginia Herold (916) 445-5014 x4005

**CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY**

**Cedillo-Alarcon Community Clinic Investment Act of 2000**

This action makes permanent emergency regulations which implement the Community Clinic Investment Program setting forth the guidelines, criteria, and application process to allocate \$50 million to community, free, and Indian clinics to expand or improve services to patients in need pursuant to AB 2875 (Chapter 99, Statutes of 2000) and Chapter 801, Statutes of 2000. In April 2001, the agency adopted deemed emergency regulations, and in July 2001, adopted slightly revised regulations to disburse the remaining funds.

**Title 4**

California Code of Regulations  
AMEND: 7000, 7001, 7002, 7003, 7003.5, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.5, 7014, 7015, 7016, 7017  
Filed 08/13/02  
Effective 08/13/02  
Agency Contact: Mary Bates (916) 653-3423

**CALIFORNIA POLLUTION CONTROL FINANCING AUTHORITY**

**Capital Access Loan Program for Small Businesses**

This action would amend the enrollment and reimbursement provisions for the Capitol Access Loan Program for Small Business by redefining the date on which a loan is made to be the date loan funds are first disbursed to the borrower, deleting the termination requirement for failure to meet the 60-day deadline for renewal, and adding a certification of enrollment provision.

Title 4  
California Code of Regulations  
AMEND: 8072, 8074  
Filed 08/08/02  
Effective 08/08/02  
Agency Contact: Karen Newquist (916) 654-5740

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**  
**CPI Perishable Skills Testing**

This rulemaking eliminates the POST approval requirement for course-presenter-developed tests in lieu of periodic perishable skills training.

Title 11  
California Code of Regulations  
AMEND: 1005  
Filed 08/13/02  
Effective 09/12/02  
Agency Contact: Leah Cherry (916) 227-3891

**DEPARTMENT OF CHILD SUPPORT SERVICES**  
**Director Qualifications**

This emergency rulemaking sets minimum qualifications for the directors of local child support agencies and otherwise implements Family Code section 17304. Family Code section 17306 provides these regulations are deemed to be emergency regulations and shall remain in effect for no more than 180 days.

Title 22  
California Code of Regulations  
ADOPT: 111560  
Filed 08/14/02  
Effective 08/14/02  
Agency Contact: Lucila Ledesma (916) 464-5087

**DEPARTMENT OF DEVELOPMENTAL SERVICES**  
**General Provisions**

This is the second readoption of an emergency amendment to the regulation that describes when a program change that could have been planned for will be sufficient to warrant an adjustment in the payment rate for an in-home respite services agency.

Title 17  
California Code of Regulations  
AMEND: 58420  
Filed 08/08/02  
Effective 08/08/02  
Agency Contact: David J. Judd (916) 654-2257

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Oriental Fruit Fly Interior Quarantine**

The proposed regulatory action is the Certificate of Compliance filing making permanent the prior emergency repeal of the oriental fruit fly interior quarantine in the Ontario area of San Bernardino County.

Title 3  
California Code of Regulations  
AMEND: 3423(b)  
Filed 08/13/02  
Effective 08/13/02  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF HEALTH SERVICES**  
**Radiologic Criteria for License Termination**

The California Department of Health Services is amending the captioned section in compliance with a court order issued May 16, 2002, *Committee to Bridge the Gap, et al. v. Diana M. Bonta, Director, California Department of Health Services*, Sacramento County Superior Court No. 01CS01445.

Title 17  
California Code of Regulations  
AMEND: 30253  
Filed 08/08/02  
Effective 09/07/02  
Agency Contact:  
Charles E. Smith (916) 657-0730

**DEPARTMENT OF INSURANCE**  
**Workers' Compensation Insurance**

This action [RH020219139] amends the Uniform Statistical Reporting Plan—1995 codified in Section 2318.6, and the Experience Rating Plan—1995, codified in Section 2353.1, both Plans incorporated by reference, and available in manuals published by the Workers Compensation Insurance Rating Bureau of California.

Title 10  
California Code of Regulations  
AMEND: 2318.6, 2353.1

Filed 08/12/02  
Effective 04/01/02  
Agency Contact: Larry C. White (415) 538-4423

**DEPARTMENT OF INSURANCE**  
**Workers' Compensation Rates**

This action [RH02020824] updates the table of pure premium rates incorporated by reference in section 2318.6 and published by the Workers Compensation Insurance Rating Bureau of California.

Title 10  
California Code of Regulations  
AMEND: 2318.6  
Filed 08/12/02  
Effective 07/01/02  
Agency Contact: Larry C. White (415) 538-4423

**DEPARTMENT OF MANAGED HEALTH CARE**  
**Administrative Regulations**

This action adopts various administrative provisions concerning such matters as appearances at DMHC proceedings, interpretive opinions, Bagley-Keene (open meeting) and Public Record Act procedures, confidentiality of specified information, copying records, and Internet access.

Title 28  
California Code of Regulations  
ADOPT: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008  
Filed 08/12/02  
Effective 09/11/02  
Agency Contact:  
Lyn Amor Macaraeg (916) 322-9727

**DEPARTMENT OF MANAGED HEALTH CARE**  
**Electronic filing**

This action is the certification of compliance for the formal adoption of a regulation that specifies the standards for electronic signing of reports by health care service plans and filing them with the Department of Managed Health Care.

Title  
California Code of Regulations  
ADOPT: 1300.41.8  
Filed 08/08/02  
Effective 08/08/02  
Agency Contact:  
Elizabeth Spring (916) 323-9613

**DEPARTMENT OF PESTICIDE REGULATION**  
**Registration**

Changes without regulatory effect to remove redundant and potentially confusing language, correct a typo error, and to add to a section header for further information on topic in section.



Title 3  
California Code of Regulations  
AMEND: 6172, 6192, 6200, 6252  
Filed 08/14/02  
Effective 08/14/02  
Agency Contact:  
Linda Irokawa-Otani (916) 445-3991

**DEPARTMENT OF SOCIAL SERVICES**  
**Child Care Provider Notification**

This emergency regulatory action requires child care providers to notify parents if an employee has a criminal record exemption.

Title 22, MPP  
California Code of Regulations  
AMEND: 101218.1, 102419, 102421  
Filed 08/07/02  
Effective 08/07/02  
Agency Contact:  
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF SOCIAL SERVICES**  
**Automated External Defibrillators in Adult and Elderly Facilities**

This action would establish procedures for the use of automated external defibrillators (AEDs) in adult and elderly care facilities.

Title 22, MPP  
California Code of Regulations  
ADOPT: 80075.1, 82075.2, 87575.2, 87925  
AMEND: 80001, 80061, 82001, 82061, 87101, 87561, 87801, 87861  
Filed 08/09/02  
Effective 09/08/02  
Agency Contact:  
Anthony J. Velasquez (916) 657-2586

**DEPARTMENT OF SOCIAL SERVICES**  
**Incidental Medical Services Clean-Up**

The regulatory action deals with Incidental Medical Services in Community Care Facilities.

Title 22, MPP  
California Code of Regulations  
AMEND: 80001, 80006, 80061, 80065, 80068.3, 80071, 80075, 80077.2, 80077.3, 80077.4, 80087, 80090, 80092.1, 80092.2, 80092.3, 80092.4, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11 REPEAL: 80095  
Filed 08/09/02  
Effective 09/08/02  
Agency Contact:  
Anthony J. Velasquez (916) 657-2586

**FISH AND GAME COMMISSION**  
**San Fernando Valley Spineflower**

This action adds the San Fernando Valley spineflower to the list of California plants declared by the Commission to be endangered.

Title 14  
California Code of Regulations  
AMEND: 670.2  
Filed 08/09/02  
Effective 09/08/02  
Agency Contact: John M. Duffy (916) 653-4899

**FISH AND GAME COMMISSION**  
**Control Date for Other Species of Nearshore Fish**

In this regulatory action, the Fish and Game Commission establishes a control date for the purpose of developing a limited access commercial nearshore fishery for those persons taking nearshore fish stocks of nine specified species. In addition, a control date is established for the purpose of developing and implementing a gear endorsement program for the commercial nearshore fishery for these nine species of nearshore fish.

Title 14  
California Code of Regulations  
ADOPT: 150.02, 150.04  
Filed 08/12/02  
Effective 09/11/02  
Agency Contact: John M. Duffy (916) 653-4899

**OFFICE OF SPILL PREVENTION AND RESPONSE**

**Oil Transfer and Vessel Operations**

This rulemaking action amends provisions governing oil transfer operations from vessel to vessel and between vessels and certain marine facilities such as small marine fueling facilities, in part making some federal requirements applicable within California marine waters.

Title 14  
California Code of Regulations  
ADOPT: 844.3, 844.4, 844.5 AMEND: 790, 840, 840.1, 841, 842, 843, 843.1, 843.2, 843.3, 843.4, 843.6, 843.7, 843.8, 843.9, 844, 844.1, 844.2, 844.6, 844.7, 845, 845.1, and 845.2  
Filed 08/13/02  
Effective 09/12/02  
Agency Contact:  
Joy D. Lavin-Jones (916) 327-0910

**STATE ALLOCATION BOARD**  
**Leroy F. Greene School Facilities Act of 1998**

This emergency regulatory action establishes the process for awarding additional new construction or modernization funds for construction of automatic fire detection and alarm and/or sprinkler systems in school facilities. This action implements SB 575 (Stats. 2001, Chap. 725).

Title 2  
California Code of Regulations  
ADOPT: 1859.71.2, 1859.78.4, 1859.108 AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2,

1859.74.1, 1859.75.1, 1859.76, 1859.78.2,  
1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100,  
1859.101, 1859.102, 1859.107

Filed 08/12/02

Effective 08/12/02

Agency Contact:

Dennis Boydston (916) 322-0327

#### STATE PERSONNEL BOARD

##### Whistleblower Retaliation Complaints

These are regulations concerning Whistleblower Retaliation Complaints. The action is being submitted to OAL for filing with the Secretary of State and printing only. These regulations are exempt from the Administrative Procedure Act pursuant to Government Code section 18211.

Title 2

California Code of Regulations

ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7,  
56.8

Filed 08/14/02

Effective 08/14/02

Agency Contact: Steve Unger (916) 651-8461

#### STATE PERSONNEL BOARD

##### Discovery in Non-Adverse Action Evidentiary Hearings Before the State Personnel Board

The State Personnel Board is adopting the captioned sections pursuant to Government Code section 18214. The subject regulations provide the exclusive right to and method of discovery for evidentiary hearings conducted before the Board and/or Board administrative law judges concerning appeals from discrimination, etc.

Title 2

California Code of Regulations

ADOPT: 57.1, 57.2, 57.3, 57.4

Filed 08/12/02

Effective 08/12/02

Agency Contact: Steve Unger (916) 651-8461

#### STATE WATER RESOURCES CONTROL BOARD

##### Incorporate TMDL for Sediment for Heavenly Valley Creek

This new section summarizes revisions to the Lahontan Basin Plan approved by the State Water Resources Control Board on 9-20-2001 pursuant to Resolution 2001-101. This amendment adopts a Total Maximum Daily Load ("TMDL") which assigns a loading capacity of 58 tons per year expressed as a 5 year rolling average for total annual instream sediment loading to that part of Heavenly Valley Creek within the permit boundaries of the Heavenly ski resort on National Forest land administered by the U.S.D.A. Forest Service, Lake Tahoe Basin Management Unit ("LTBMU"). The amendment assigns load allocations to historically disturbed lands, new development,

undeveloped lands and impervious surfaces within the area covered by the TMDL. The amendment also adopts an implementation plan based primarily on continuation of the existing LTBMU erosion control program which requires application of Best Management Practices to all disturbed areas in the ski resort under an adaptive management approach. The implementation plan also includes a monitoring program which specifies parameters to be tracked to evaluate the effectiveness of the TMDL (substantially requiring continuation of monitoring already being done with the added monitoring of micro invertebrate community health) and desired conditions for each parameter, and review and revision programs. This filing is subject to a limited review by the Office of Administrative Law pursuant to Government Code section 11353.

Title 23

California Code of Regulations

AMEND: 3953

Filed 08/08/02

Effective 08/08/02

Agency Contact: Greg Frantz (916) 341-5553

### **CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN APRIL 10, 2002 TO AUGUST 14, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

#### **Title 2**

08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5,  
56.6, 56.7, 56.8

08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108  
AMEND: 1859.50, 1859.70, 1859.72,  
1859.73.1, 1859.73.2, 1859.74.1,  
1859.75.1, 1859.76, 1859.78.2,  
1859.79.3, 1859.81, 1859.81.1, 1859.82,  
1859.100, 1859.101, 1859.102, 1859.107

08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4

08/07/02 ADOPT: 59000

07/31/02 ADOPT: 18450.1

07/25/02 AMEND: 2970

07/11/02 ADOPT: 1859.200, 1859.201, 1859.202,  
1859.203, 1859.204, 1859.205, 1859.206,  
1859.207, 1859.208, 1859.209, 1859.210,

1859.211, 1859.212, 1859.213, 1859.214,  
1859.215, 1859.216, 1859.217, 1859.218,  
1859.219, 1859.220  
07/11/02 AMEND: 18707.4  
07/11/02 AMEND: 554.6  
06/27/02 ADOPT: 2351  
06/27/02 ADOPT: 18450.3, 18450.4, 18450.5  
AMEND: 18402  
06/25/02 AMEND: 1189.10  
06/20/02 AMEND: 561.2, 561.3  
06/20/02 REPEAL: 548.96  
06/17/02 AMEND: 18239, 18615, 18616  
06/06/02 ADOPT: 18572  
05/28/02 ADOPT: 1896.300, 1896.310, 1896.320,  
1896.330, 1896.340, 1896.350, 1896.360,  
1896.370  
05/22/02 AMEND: 571(a)(5)  
05/13/02 AMEND: 18428  
05/10/02 AMEND: 18351  
05/09/02 AMEND: 20202, 20206, 20210, 20224,  
20234, 20298, 20350, 20363, 20910  
REPEAL: 20106, 20205, 20213  
05/02/02 ADOPT: 1859.104.1, 1859.104.2,  
1859.104.3 AMEND: 1859.2, 1859.21,  
1859.50, 1859.51, 1859.61, 1859.70,  
1859.73.1, 1859.73.2, 1859.74.1,  
1859.75.1, 1859.76, 1859.78.2,  
1859.79.3, 1859.81, 1859.81.1, 1859.82,  
1859.91, 1859.95, 1859.100, 1859.101,  
1859.102,  
04/26/02 ADOPT: 18520 AMEND: 18521, 18523,  
18523.1  
04/19/02 ADOPT: 18537.1  
04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2,  
1859.20, 1859.21, 1859.30, 1859.33,  
1859.40, 1859.41, 1859.42, 1859.43,  
1859.50, 1859.51, 1859.60, 1859.70,  
1859.73.1, 1859.73.2, 1859.74.1,  
1859.74.4, 1859.75.1, 1859.76,  
1859.78.2, 1859.79.3, 1859.81,  
1859.81.1, 1859.

### **Title 3**

08/14/02 AMEND: 6172, 6192, 6200, 6252  
08/13/02 AMEND: 3423(b)  
07/25/02 AMEND: 3423(b)  
07/23/02 ADOPT: 7015  
07/18/02 AMEND: 6000, 6710  
07/11/02 AMEND: 3700(b)  
07/03/02 AMEND: 1392.1, 1392.2, 1392.4,  
1392.9.1  
07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND:  
300(c)  
06/20/02 REPEAL: 3431, 3591.17  
06/13/02 ADOPT: 1366  
06/13/02 AMEND: 2303(t)  
06/11/02 AMEND: 3425(b)

06/10/02 AMEND: 6391, 6393, 6394, 6395  
06/10/02 AMEND: 3406(b)  
06/04/02 AMEND: 3591.16(a)  
05/29/02 AMEND: 1380.19, 1436.38, 1446.7,  
1454.14, 1462.15  
05/16/02 AMEND: 1428.12, 1428.16  
05/02/02 AMEND: 3700(a), (b), & (c)  
04/23/02 AMEND: 3591.12(a)  
04/23/02 ADOPT: 899.2 AMEND: 899.1  
04/18/02 AMEND: 6510, 6793  
04/12/02 AMEND: 3423(b)  
04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668,  
3669

### **Title 4**

08/13/02 AMEND: 7000, 7001, 7002, 7003,  
7003.5, 7004, 7005, 7006, 7007, 7008,  
7009, 7010, 7011, 7012, 7013, 7013.1,  
7013.5, 7014, 7015, 7016, 7017  
08/08/02 AMEND: 8072, 8074  
07/30/02 AMEND: 2050  
07/08/02 AMEND: 2049  
07/01/02 ADOPT: 12100, 12102, 12104, 12106,  
12108, 12110, 12120, 12130  
05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,  
8115, 8116, 8117, 8118, 8119, 8120,  
8121, 8122, 8123, 8124, 8125  
05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,  
3010 AMEND: 1928  
04/16/02 AMEND: 1405, 1527

### **Title 5**

08/13/02 ADOPT: 11969.10 REPEAL: 11969.9  
07/31/02 AMEND: 30950, 30951.1, 30952, 30953,  
30954, 30955, 30956, 30957, 30958,  
30959  
07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,  
11969.4, 11969.5, 11969.6, 11969.7,  
11969.8, 11969.9  
07/29/02 AMEND: 3051.16, 3065  
07/15/02 AMEND: 80105, 80109, 80110, 80111,  
80112, 80113, 80114, 80115  
06/28/02 ADOPT: 11983.5  
06/11/02 AMEND: 11530, 11531  
06/05/02 AMEND: 59311, 59328, 59342  
05/21/02 AMEND: 80026.4, 80026.6, 80122  
05/20/02 ADOPT: 55205, 55207, 55209, 55211,  
55213, 55215, 55217, 55219 AMEND:  
55316.5, 58003.1, 58003.3, 58007,  
58009, 58051, 58056 REPEAL: 55317,  
55352, 55370, 55372, 55374, 55376,  
55378, 55380  
05/08/02 ADOPT: 80434 AMEND: 80001  
05/03/02 ADOPT: 54045.5, 58003.6

### **Title 8**

08/05/02 AMEND: 3362  
07/31/02 AMEND: 4799

**CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 34-Z**

07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,  
291.2, 291.3, 291.4, 291.5, 292.0, 293.0,  
294.0, 295.0  
07/11/02 AMEND: 3241(a)  
07/01/02 ADOPT: 417.5 AMEND: 406,  
411.1, 415, 417.3 REPEAL: 411.2, 411.3,  
411.4  
06/20/02 AMEND: 3700, 3702  
06/18/02 AMEND: 5189  
06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795  
06/03/02 AMEND: 5034(f)  
06/03/02 AMEND: 4885  
05/28/02 AMEND: 3650, 3664  
05/20/02 AMEND: 32125, 32130, 32140, 32603,  
32604, 32720, 32735, 32738, 32739,  
32744, 32752, 32763, 32980  
05/07/02 ADOPT: 11080, 11090, 11100, 11110,  
11120, 11130, 11150 REPEAL: 11080,  
11090, 11100, 11130, 11130, 11150  
05/06/02 AMEND: 3089  
05/02/02 AMEND: 100, 106, 107  
05/01/02 ADOPT: 11140 AMEND: 11140  
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,  
1671, 1709, 1710  
04/22/02 AMEND: 2320.2 of the Low voltage  
Electrical safety orders

**Title 8, 24**

05/08/02 AMEND: 3011(d), 3120.1 and 3122.0

**Title 9**

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,  
9846, 9852, 9854, 9856, 9858, 9867,  
9876, 9884, 9886 REPEAL: 9857  
06/28/02 ADOPT: 9526, 9531 AMEND: 9500,  
9505, 9515, 9530, 9535

**Title 10**

08/12/02 AMEND: 2318.6, 2353.1  
08/12/02 AMEND: 2318.6  
08/05/02 REPEAL: 310.100.1  
07/10/02 ADOPT: 1422, 1423  
07/02/02 AMEND: 6070  
06/24/02 ADOPT: 2698.68  
06/20/02 AMEND: 2498.6  
06/20/02 ADOPT: 2729.5, 2790.6, 2846.1  
AMEND: 2790.1, 2791.8, 2792, 2800,  
2810, 2811, 2910, 2911, 2912, 2930  
06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3  
06/07/02 AMEND: 5.2001 and Appendix  
06/06/02 AMEND: 2698.70, 2698.71 REPEAL:  
01-1219-06 E  
06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,  
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,  
2192.10, 2192.11, 2192.12, 2192.13  
06/03/02 ADOPT: 2187.3 AMEND: 2186.1,  
2187.1, 2187.2

05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,  
2278.4, 2278.5  
04/29/02 ADOPT: 2699.6606, 2699.6711,  
2699.6631, 2699.6631, 2699.6717  
AMEND: 2699.6500, 2699.6600,  
2699.6605, 2699.6607, 2699.6611,  
2699.6613, 2699.6617, 2699.6623,  
2699.6625, 2699.6629, 2699.6700,  
2699.6703, 2699.6705, 2699.6709,  
2699.6800, 2699.6801, 2699.6809  
04/29/02 ADOPT: 1729, 1741.5, 1950.302  
AMEND: 1741.5  
04/16/02 AMEND: 2698.73

**Title 11**

08/13/02 AMEND: 1005  
07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,  
419, 419.1, 419.2, 419.3, 420, 421, 422,  
423, 424, 425, 426 REPEAL: 410, 411,  
415, 416, 417, 418, 419, 420, 421, 422,  
423, 424, 425, 426  
07/01/02 AMEND: 1081  
06/27/02 AMEND: 987.1  
06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,  
999.14, Appendix A  
05/24/02 AMEND: 1005  
05/21/02 AMEND: 1005  
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,  
441, 442, 443, 444, 445, 446, 447, 448,  
449, 450, 451, 452, 453, 454, 455, 456,  
457, 458, 459, 460, 461, 462, 463, 464,  
465, 466, 467, 468, 469, 470, 471, 472,  
473, 474, 475, 476, 477, 478, 479, 480,  
481, 482, 483, 48  
04/26/02 AMEND: 1005, 1008  
04/25/02 ADOPT: 1081(a)(32)  
04/23/02 AMEND: 3000, 3001, 3003, 3007, 3008  
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,  
906, 907, 908, 911  
04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,  
999.14 and Appendix A

**Title 13**

07/25/02 AMEND: 422.01  
07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112,  
2139, 2140, 2147, 2440, 2441, 2442,  
2443.1, 2443.2, 2443.3, 2444, 2445.1,  
2445.2, 2446  
07/10/02 AMEND: 1213.1, 1230, 1239  
07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09,  
225.12, 225.15, 225.18, 225.21, 225.24,  
225.27, 225.30, 225.33, 225.36, 225.39,  
225.42, 225.45, 225.48, 225.51, 225.54,  
225.57, 225.60, 225.63, 225.66, 225.69,  
225.72  
06/24/02 AMEND: 1270  
06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962  
06/18/02 AMEND: 1



06/03/02 AMEND: 565  
 05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 &  
 the Incorporated Test Procedure  
 04/29/02 AMEND: 350.44

**Title 14**

08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND:  
 790, 840, 840.1, 841, 842, 843, 843.1,  
 843.2, 843.3, 843.4, 843.6, 843.7, 843.8,  
 843.9, 844, 844.1, 844.2, 844.6, 844.7,  
 845, 845.1, and 845.2  
 08/12/02 ADOPT: 150.02, 150.04  
 08/09/02 AMEND: 670.2  
 08/06/02 AMEND: 28.59  
 07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03,  
 51.00, 51.01, 51.02, 51.04, 51.05, 155.01,  
 155.05, 155.10 AMEND: 109  
 07/25/02 ADOPT: 18085, 18086, 18087, 18088  
 AMEND: 18011, 18056  
 07/25/02 AMEND: 791.7; Forms FG OSPR-1925,  
 FG OSPR-1947, and FG OSPR-1972.  
 07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530,  
 2690 renumbered to 2850  
 07/15/02 ADOPT: 916.13, 936.13, 956.13,  
 916.13.1, 936.13.1, 956.13.1, 916.13.2,  
 936.13.2, 956.13.2, 916.13.3, 936.13.3,  
 956.13.3, 916.13.4, 936.13.4, 956.13.4,  
 916.13.5, 936.13.5, 956.13.5, 916.13.6,  
 936.13.6, 956.13.6, 916.13.7, 936.13.7,  
 956.13.7, 916.13.8, 936  
 07/12/02 AMEND: 895.1, 898, 914.8, 934.8,  
 954.8, 916, 936, 956, 916.2, 936.2, 956.2,  
 916.9, 936.9, 956.9, 916.11, 936.11,  
 956.11, 916.12, 936.12, 956.12, 923.3,  
 943.3, 963.3, 923.9, 943.9, 963.9  
 06/28/02 ADOPT: 708 AMEND: 265, 308, 360,  
 361, 362, 363, 364, 365, 367, 368, 401,  
 555, 601, 711 REPEAL: 370, 371, 372,  
 373  
 06/27/02 ADOPT: 4971  
 06/25/02 AMEND: 7.50  
 06/24/02 AMEND: 791, 791.5, 791.7, 792, 793,  
 794, 795, 796, and 797  
 06/20/02 ADOPT: 17211, 17211.1, 17211.2,  
 17211.3, 17211.4, 17211.5, 17211.6,  
 17211.7, 17211.8, 17211.9  
 06/19/02 AMEND: 2135  
 06/19/02 AMEND: 2030  
 06/18/02 AMEND: 11900  
 06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3)  
 AMEND: 17400, 17402, 17402.5  
 06/06/02 ADOPT: 749.1  
 06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171,  
 6179, 6184, 6185, 6200, 6206, 6222,  
 6243, 6254, 6255, 6262  
 05/30/02 AMEND: 1104.1  
 05/23/02 ADOPT: 52.10

05/22/02 AMEND: 1037.4, 1092.19  
 05/21/02 ADOPT: 17367, 17368, 17369, 17370.1,  
 17370.2, 18225  
 05/20/02 AMEND: 149  
 04/29/02 AMEND: 27.80  
 04/11/02 ADOPT: 104.1  
 04/10/02 AMEND: 17943(b)(26)  
 04/10/02 AMEND: 27.67

**Title 14, 27**

06/21/02 AMEND: 18104.8, 18105.9, 18105.10,  
 21140

**Title 15**

07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220,  
 3220.1  
 07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458,  
 3459, 3460, 3462, 3463, 3464  
 05/08/02 ADOPT: 4746.5  
 05/06/02 AMEND: 3104  
 04/17/02 AMEND: 3276

**Title 16**

08/08/02 AMEND: 1707.2  
 08/07/02 ADOPT: 4140, 4141, 4142, 4143  
 08/01/02 ADOPT: 3367, 3368  
 07/31/02 AMEND: 2473  
 07/30/02 AMEND: 1399.523  
 07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17,  
 3340.32, 3340.42, 3340.50 REPEAL:  
 3340.16.7  
 07/17/02 AMEND: 1387.1  
 07/03/02 AMEND: 3394.4 and 3394.6  
 07/01/02 ADOPT: 638, 639, 640, 641  
 06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND:  
 6, 7, 9, 9.1, 10, 11.5, 37, 50  
 06/03/02 AMEND: 2034, 2036  
 05/29/02 ADOPT: 980.1 AMEND: 974  
 05/28/02 AMEND: 3340.42  
 05/24/02 ADOPT: 832.06 AMEND: 832.05  
 05/21/02 ADOPT: 2412 AMEND: 2411, 2418  
 05/21/02 AMEND: 2006  
 05/21/02 ADOPT: 1356.5  
 05/16/02 AMEND: 832.54  
 05/08/02 AMEND: 832.09  
 05/02/02 AMEND: 3303, 3353, 3361.1

**Title 17**

08/08/02 AMEND: 58420  
 08/08/02 AMEND: 30253  
 07/22/02 ADOPT: 93105  
 07/17/02 ADOPT: 2638 AMEND: 2500, 2502,  
 2505, 2551, 2552, 2553, 2596, 2614,  
 2626  
 06/28/02 AMEND: 6508  
 06/10/02 AMEND: 90700, 90701, 90702, 90703,  
 90704, 90705 & to the tables in Section  
 90705  
 05/16/02 AMEND: 6508

05/02/02 ADOPT: 2641.5, 2641.10, 2641.15, 2641.20, 2641.25, 2641.30, 2641.35, 2641.45, 2641.50, 2641.55, 2641.60, 2641.65, 2641.70, 2641.75, 2641.77, 2641.80, 2641.85, 2641.90, 2643.5, 2643.10, 2643.15, 2643.20.

04/22/02 AMEND: 70500, 70600

04/11/02 AMEND: 58420

04/10/02 ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 56002, 56026, 56093, 58651

## Title 18

07/02/02 ADOPT: 1533.2

06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262

06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435, 1436 AMEND: 1101, 1105, 1120, 1132, 1134, 1420, 1422, 1430 REPEAL: 1103, 1104, 1106, 1107, 1108, 1114, 1115, 1116, 1117, 1118, 1119, 1121, 1131, 1133, 1151, 1152, 1153, 1154, 1155, 1171, 1172, 1173, 1174, 1175, 1176

06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26

06/07/02 ADOPT: 1533

06/07/02 ADOPT: 1525.7

06/07/02 AMEND: 1533.1

06/06/02 ADOPT: 1507

06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.

06/04/02 AMEND: 135

05/29/02 AMEND: 23101.5

05/20/02 ADOPT: 138

05/16/02 ADOPT: 139

05/15/02 AMEND: 1699

05/14/02 AMEND: 1603

05/14/02 AMEND: 905

05/13/02 ADOPT: 1434

05/13/02 ADOPT: 4011 AMEND: 4061

04/17/02 ADOPT: 305.3

04/16/02 AMEND: 1668

04/16/02 AMEND: 1532

04/16/02 AMEND: 1525.2

## Title 19

05/22/02 ADOPT: 2000

05/16/02 REPEAL: 596.15 & 596.16 & Article 12 thru Article 23 {all duplicated in the code}

## Title 20

06/03/02 ADOPT: 1342, 1343, 1344 AMEND: 1302, 1303, 1306, 1307, 1308, 1340, 1341, 2503, 2505, 2507 REPEAL: 1342, 1343, 1344, 1349

## Title 22

08/14/02 ADOPT: 111560

08/06/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.68, 66273.69, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9

08/06/02 ADOPT: 63000.17, 63000.47, 63000.66, 63000.70, 63000.81, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63015, 63058 AMEND: 63000.19, 63000.37 (and renumbered to 63000.67), 63000.40, 63000.43, 63000.62, 63000.86 (and renumbered to 63000.89), 63000.89

08/05/02 AMEND: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213, 68214

08/01/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, Appendix

07/22/02 ADOPT: 111550

07/18/02 AMEND: 12705, 12805

07/16/02 AMEND: 51503, 51503.2, 51504, 51505.1, 51505.2, 51505.3, 51507, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51527, 51529, 51535.5

07/15/02 ADOPT: 64860

07/03/02 ADOPT: 66268.31.5 AMEND: 66261.32, 66261.33, Ch. 11 App. VII, Ch. 11 App. VIII, 66268.7, 66268.33, 66268.39.5, 66268.40 and table entitled "Treatment Standards for Hazardous Wastes, 66268.48, 66268.49, Ch. 18 App. VII.

06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178

04/30/02 AMEND: 51515(c), 51515(e), 51518(b), 51521(1), 51527(b)

04/18/02 AMEND: 4304-12

04/16/02 AMEND: 12000

04/16/02 AMEND: 4408, 4409, 4414

04/11/02 AMEND: 66261.6

## Title 22, MPP

08/09/02 AMEND: 80001, 80006, 80061, 80065, 80068.3, 80071, 80075, 80077.2, 80077.3, 80077.4, 80087, 80090, 80092.1, 80092.2, 80092.3, 80092.4, 80092.6, 80092.7, 80092.8, 80092.9, 80092.10, 80092.11 REPEAL: 80095

08/09/02 ADOPT: 80075.1, 82075.2, 87575.2, 87925 AMEND: 80001, 80061, 82001, 82061, 87101, 87561, 87801, 87861

08/07/02 AMEND: 101218.1, 102419, 102421  
 08/01/02 AMEND: 87101, 87565, 87566, 87568, 87589  
 07/24/02 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436,, 110445, 110456, 110474, 110478,  
 07/23/02 ADOPT: 87227.1, 87583.1 AMEND: 80007(a), 87101(s), 87107(a), 87114, 87118(a), 87222(a), 87561(a)(1)(A), 87585(a), 87587, 87700, 87702, 87807(a), 87854(d)  
 06/26/02 ADOPT: 89202, 89261, 89319, 89323, 89370, 89372, 89374, 89376, 89388, 89400, 89405 AMEND: 87000, 87001, 87005, 87006, 87007, 87009, 97010, 97010.1, 87010.2, 87017, 87018, 87019, 87019.1, 87019.2, 87020, 87021, 87024, 87026, 87027, 87028, 87029, 87031,  
 05/29/02 ADOPT: Title 22 section 119184 REPEAL: MPP section 12-225.3  
 05/02/02 ADOPT: 110411, 110625, 111110, 111120, 111210, 111220, 111230 REPEAL: MPP 12-000, 12-003, and Appendix I

**Title 23**

08/08/02 AMEND: 3953  
 07/30/02 AMEND: 2910  
 07/18/02 ADOPT: 3936  
 07/16/02 ADOPT: Publish new section 3935  
 06/07/02 ADOPT: 510, 511, 512, 513, 514, 515, 516, 517  
 05/23/02 ADOPT: 3962  
 05/03/02 AMEND: 3961  
 04/17/02 AMEND: Article 6, section 645

**Title 25**

04/26/02 AMEND: 7060, 7062.1, 7078.2, 7078.4, 7078.5

**Title 27**

07/23/02 ADOPT: 10010(a), 10010(b), 10010(c), 10010(d) REPEAL: 10010  
 05/09/02 AMEND: 22200, 22228, 22233, 22248, Form CIWMB 106 (08/2001)

**Title 28**

08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008  
 07/17/02 ADOPT: 1300.67.05

07/08/02 REPEAL: 1300.75.4.2, 1300.75.4.4  
 04/24/02 ADOPT: 1300.41.8

**Title MPP**

08/06/02 AMEND: 63-102, 63-103, 63-300, 63-301, 63-503  
 08/01/02 AMEND: 42-701.2(w), 42-710.1, 42-710.2, 42-710.3, 42-711.522(c)(1), 42-711.544, 42-711.91, 42-711.931, 42-711.941, 42-712.441(a), 42-718.21, 42-719.11, 42-719.111, 42-719.2, 42-719.3, 42-721.511(d)  
 08/01/02 AMEND: 40-181.1(e), 42-710.6, 42-711.5, .6, &.8, 42-721.1&.4, 44-314.1, .2, 80-301(r), 82-812.6  
 07/26/02 AMEND: 63-402  
 07/24/02 ADOPT: 16-702  
 07/22/02 ADOPT: 40-188.136, 40-188.16, 40-188.21 AMEND: 40.101.11, 40-188.11, 40-188.12, 40-188.13, 40-188.131, 40-188.132, 40-188.133, 40-188.137, 40-188.138, 40-188.15, 40-188.17, 40-188.22, 40-188.23, 40-188.24, 40-188.25, 40-190.22  
 07/03/02 ADOPT: 69-209, 69-210 AMEND: 69-201, 69-202, 69-203, 69-204, 69-205, 69-206, 69-207, 69-208, 69-211, 69-212, 69-213, 69-214, 69-215, 69-216, 69-217, 69-301, 69-302, 69-303, 69-304, 69-205, 69-306 REPEAL: 69-210, 69-221  
 06/28/02 ADOPT: 40-107.141, 40-107.142, 40-107.143, 40-107.144, 40-107.15, 40-107.151, 40-107.152, 42-302.114, 42-302.114(a)-(c), 42-302.21(h)(1), 42-302.3, 44-133.8, 82-833 AMEND: 40-107.14, 40-107.16, 40-107.17, 40-107.18, 40-107.19, 42-301.2, 44-133.51, 82-8  
 06/25/02 AMEND: 31-001, 31-002, 31-075, 31-401, 31-405, 31-410, 31-420, 31-440, 31-445  
 05/09/02 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310  
 04/26/02 ADOPT: 16-001, 16-003, 16-005, 16-010, 16-015, 16-105, 16-120, 16-130, 16-201, 16-215, 16-301, 16-310, 16-315, 16-320, 16-325, 16-401, 16-410, 16-501, 16-505, 16-510, 16-515, 16-517, 16-520, 16-601, 16-610, 16-701, 16-750, 16-801 AMEND: 20-300, 44-302,

